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March 22, 2023

BY ECF

Honorable John F. Keenan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: United States v. Jose Rosario,
20 Cr. 475 (JFK)**

Dear Judge Keenan:

I write to request that the Court order the termination of Jose Rosario's supervised release. Mr. Rosario has successfully completed 26 months of the 36 months of supervision imposed at sentencing. His Probation Officer, Brittany Valentine, has informed me that Probation has no objection to this application for early termination. AUSA Peter Davis informs me that the government takes no position.

The Court may "terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). To make this determination, the Court considers the §3553(a) factors to the extent they are applicable, but it does not consider punishment for the underlying offense. *Id.* (enumerating 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), and specifically omitting § 3553(a)(2)(A) (punishment for the offense)).

The Court sentenced Mr. Rosario to time served and three years' supervised release for a 21 U.S.C. § 841(b)(1)(C) narcotics offense. The Court found it significant that "this is his first arrest and his first conviction" and that "he's been extremely well behaved been his indictment and today while at liberty." ECF Doc. 27 at 14 (sentencing transcript).

Mr. Rosario has validated the trust the Court place in him at sentencing. Over the last 26 months, he has completed his treatment, maintained his sobriety, and worked full time. (He is currently an electrical

journeyman, making \$17 per hour.) He remains in the same committed relationship and has welcomed a now-seven-month-old son. He has been downgraded to “low intensity” supervision.

In sum, Mr. Rosario has completed more than two-thirds of his term of supervision, and his time on supervision has been characterized by compliance, hard work, and success. At this time termination of supervision “is warranted by the conduct of the defendant released and the interest of justice.” § 3583(e)(1).

Respectfully submitted,

/s/

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Assistant Federal Defender
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CC: AUSA Peter Davis
USPO Brittany Valentine

Denied.
Denise G. H.
3/24/23